The Rush Creek Pond Scheme

February 1, 2007

A new concept that will put the decades old Rush Creek lawsuit to rest, by satisfying SWRCB Order 1631…restoring the Rush Creek fishery, located to the southwest of Mono Lake in Mono County, California.

A proclamation within SWRCB 1631 proclaims, "The goal of the restoration efforts is to restore stream conditions that supported the pre-1941 fishery in the Mono Basin streams (including) self-sustaining populations of brown trout and other trout similar to those that existed prior to diversion of water by Licensee (LADWP) and which can be harvested in moderate numbers."

The lake levels have risen, the riparian zones have recovered, and the birds and waterfowl have returned. This is as it should be. **But most importantly, the decision, SWRCB Order 1631, is specifically about Rush Creek trout. The fishery mandate isn't close to being satisfied.**

It seems like yesterday that I discovered the re-born Rush Creek trout fishery. The date was October 13, 1984. The creek had been bone dry for forty years. The El Nino of 1982-83 had kept the stream flowing for twenty-four months. That was the day I took a hike from the old Clover Ranch house on the county road, to the shores of Mono where Rush entered the lake.

I remember standing on the sand when movement caught my eye. A pair of fat brown trout swam along the edge of the cold creek water, darting into the brine, gorging on shrimp that clouded the edges of the stream. Up stream, in a log jammed pool, more trout were feeding on hatching mayflies.

I ran the mile back to my truck, grabbed my fly rod, and began fishing. Dozens of trout came to my fly in section after section. Seven miles upstream, at the dam, I ran into Wes Johnson, the local game warden, and told him what I discovered, thousands of brooks, browns, and rainbows. He was as stunned as I was. I remember him saying he knew there were a few fish below the dam, but not all the way to Mono Lake.

And I remember his bombshell statement. " The City can manage the water now. They can keep it from going down Rush. They plan on drying up the creek at the end of trout season on October thirty-first."

What took place during the next eight years is history. The Los Angeles Department of Water and Power fought long and hard to regain control of the creek water. They lost and exhausted their appeals. The courts rendered a decision and a restoration plan was underway. Several miles of Rush had been reconstructed, and then the work was halted.

More studies and much haggling took the place of track hoes and dump trucks, and back to the courts the stream went.

Finally, on November 13, 1998, the court issued an amended decision that ordered the Los Angeles Department of Water and Power to restore the creek to the glory days of pre -1941.

Fast forward to 2005. **An item within the order stated that a yearly Fisheries Monitoring Report evaluating progress of creek restoration and trout populations be conducted.**

I acquired a copy of the most recent, the 2004 report, and was shocked to read the fishery was in much worse condition than it was twenty-one years ago. The report was filled with negative statements. Graphs and data stated most of the standing crop of trout in Rush were in low numbers…trout densities were the lowest recorded during six years of monitoring… the most dramatic decrease occurring in Lower Rush Creek…very few trout were living longer than age three…most of the trout captured were two to five inches in length with few larger individuals.

And then the report's conclusion. **The data collected over the past six years suggest that Rush and Lee Vining Creeks…are probably incapable of sustaining trout populations with age and size-class structures consistent with the termination criteria (as required in the court order 1631) adopted by SWRCB.**

And then the report's assumption. **Were peoples recollections accurate in portraying what the fishery was like pre-1941? As decades went by, did the recollections of how good the fishing was become inflated?**

The evaluation was suggesting those fishermen of yesteryear lied. I knew the stream intimately in the 80's. No way was the stream in the report the same trout stream I found it in 1984. Something was not right. It was time to go have a look for myself.

On August 3, 2005, I drove to Rush Creek with the intent of sampling and measuring stream sections from the mouth at Mono Lake to Grant Lake Reservoir. I set up camp that night in the sage brush below the dam and hit the stream the following morning, fly rod, thermometer, and wooden ruler in hand.

The following is what I discovered. To begin, in twenty-one years almost nothing had been achieved to meet the court order to restore the stream and the fishery to its pre-1941 conditions.

I fished sections of Rush Creek from Mono Lake to the MGORD ditch, known as "A" Ditch in 1984, on August 4-5. Method of angling, fly rod and barbless flies. The weather was unusually hot, with temperatures reaching into the nineties. The wind was calm, skies clear. Most importantly, the water temperatures were mostly in the low to mid fifties, never reaching above 60 degrees. Clearly, the trout were not suffering from warm water.

On August 4, my fish count was 151 brown and rainbow trout to the fly in two hours and forty-five minutes of fly-on-the-water. Those to hand were in three age classes, the browns, 5 inches, 7 – 8 inches, and 10 –12 inches. Two of the browns measured 12 "inches. One of the 12 inch browns had become a predator. The tail of a small fish could be seen in it's throat. Also caught were two rainbows, both wild. One at 5 inches with parr marks, a young of the year. The other a fat 9 inch fish.

On August 5, my fish count for the day was 41 trout-to-the-fly, including one wild rainbow, in one hour and twenty minutes of fly-on-the-water. The trout were larger than lower on the creek, especially within the reconstructed section of MGORD, where three were 12 to 16 inches in length.

Conclusion:

The 2004 Monitoring Report is correct in one area. Unless a new direction is adopted, the Rush Creek fishery will never recover to a pre-1941 level satisfying the court order. The decision to let nature rebuild Rush Creek and the fishery has proven to be a complete failure.

I found the fishery not to be in decline, but existing in good numbers, but not what it was in the thirties and forties when many of the trout throughout the stream system averaged 1-2 pounds.

Eldon Vestal, one of the first professional fisheries biologists to work for the California Department of Fish and Game, was there during that period and contested to the fact. Rush Creek was his baby. He kept years of copious notes on the stream. His notes survived him and they exist today. In John Hart's 1996 book, "Storm Over Mono", Vestal is quoted many times. He had walked and fished the local waters -"One of the tools of trade is a fly rod"- and knew Lower Rush Creek as an…"extraordinary trout water, a place to catch fourteen-inch German browns."

Today the trout average from 8-9 inches in length, with the exception of the MGORD ditch, where fish have been measured over twenty inches in length.

Why has the fishery not recovered to pre-1941 conditions? Why is it comprised mainly of small trout? The reason? There is a missing link. The stream lacks large trout habitat, deep pools with holding water, habitat for winter survival. With the exception of the MGORD ditch, it is almost non-existent throughout Rush Creek from Grant Lake Dam to Mono Lake.

Historic research records the fact there were many ponds below the narrows and throughout the bottomlands above the old hatchery site. In our opinion this explains the reason for large trout in the lower four miles of the stream.

Let's provide the large trout habitat missing link with a new plan, **The Rush Creek Pond Scheme**. Let's bring Rush creek back to the glory days of pre-1941. It can be done with the

limited water releases the courts have given. The plan will require the use of heavy equipment, track hoes and bulldozers, the alternative to a more natural system of large trout habitat construction…beavers. We must remember, in 1984, Rush Creek was a desert as dry as a bone. Yes, our way will cause disturbance but only short lived. I have worked on projects larger than this and have found the natural environment returns and heals in a few years.

The Rush Creek Pond Scheme concept met with interest from SWRCB. Mr. Jim Canaday, SWRCB Senior Environmental Scientist, asked that we prepare a concept paper for Division Management and other interested parties for review and comment. We have done such with the following brief description and aerial photos with overlays.

We propose a series of ponds be constructed ranging in surface area from a half acre to five acres, beginning with the low gradient topography, west of HY 395, and continuing down stream to Mono Lake. The ponds would be constructed with plunge pools at the upstream edge with depths to ten feet to prevent photosynthesis and weed growth, with a more gradual to shallow grade at the tail-outs. Approximately twenty-one potential pond sites have been identified, each marked in yellow overlay on the aerial photos on the CD.

There were concerns in the past that man-made ponds and deep pools would fill with migrating cobble and gravel. I speak specifically of the Trehey & Associates pools west of 395. LADWP experts, on the record, stated the Trehey reconstructed stream sections would fail. The pools would be blown out, filled in with cobbles and gravel after the first increased stream flows. This has never occurred. Later, LADWP expert, Dr. William Trush, was shocked to see one particular pool Trehey built still existed. "I don't get it," he said, "It's still there."

I refer to Dr. Trush's pool as "The Trehey Stump Pool". It was constructed over twenty years ago. I fished the Stump Pool on my trip to Rush in 2005 and found it to be the best pool-riffle-run section on Rush Creek.

We also propose an enhancement plan for the MGORD ditch. The ditch has the potential of becoming a blue ribbon trout fishery. As it exists it is a tail water system, an artificial spring creek, with the classic balanced temperature regimen and deep water that grows large fish. The pool at the site of the old ford should be deepened and expanded to at least one acre, and seven to eight drop structures comprised of large rocks should be placed in the ditch at intervals. These sites are indicated with yellow dot overlays.

The accompanying CD, with aerial overlays locating the pond and ditch improvements, offers a concept of what we envision would provide the missing Rush Creek component necessary to satisfying SWRBC 1631.

The Mammoth Fly Rodders will be presenting **The Rush Creek Pond Scheme** concept to the Inyo-Mono County Business community, and hunting and fishing organizations, soliciting their support for restoring the great fishery to what it was in pre-1941.

Respectfully,

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